

1 REMARKS

2 Status of the Claims

3 Claims 1-21, 23-42, and 44 remain pending in the application, Claims 1, 8, 20 and 25 having
4 been amended, and Claims 22 and 43 having been cancelled.

5 Claims Rejected Under 35 U.S.C. § 112

6 The Examiner has rejected Claims 7, 8, 20, 21, 28, and 29 under 35 U.S.C. § 112 as being
7 indefinite for failing to particularly point out and distinctly claim the subject matter which applicant
8 regards as the invention.

9 The Examiner notes that step (a) of Claim 7 and Claim 28 recites "...a Class request ...," and that
10 step (a) of Claim 8 and Claim 29 recites the limitation of "...Vendor Specific Device request...." The
11 Examiner asserts that the terms "Class request" and "Vendor Specific Device request" are not defined by
12 the claims, that the specification does not provide information for ascertaining the definition of the terms,
13 and one of ordinary skill in the art would not be able to readily understand the specifics of such terms
14 claimed by the applicants. Applicants respectfully disagree for the following reasons.

15 The Examiner is directed to the following information from the "Universal Serial Bus
16 Specification," Revision 2.0, April 27, 2000, which was cited in the Information Disclosure
17 Statement (copy also provided):

18 5.5 Control Transfers

19 Control transfers allow access to different parts of a device. Control transfers
20 are intended to support configuration/command/status type communication flows
21 between client software and its function. A control transfer is composed of a Setup bus
22 transaction moving request information from host to function, zero or more Data
23 transactions sending data in the direction indicated by the Setup transaction, and a
24 Status transaction returning status information from function to host. The Status
25 transaction returns "success" when the endpoint has successfully completed processing
the requested operation. Section 8.5.3 describes the details of what packets, bus
transactions, and transaction sequences are used to accomplish a control transfer.
Chapter 9 describes the details of the defined USB command codes.

26 Each USB device is required to implement the Default Control Pipe as a
27 message pipe. This pipe is used by the USB System Software. The Default Control
28 Pipe provides access to the USB device's configuration, status, and control
information. A function can, but is not required to, provide endpoints for additional
control pipes for its own implementation needs.

29 The USB device framework (refer to Chapter 9) defines standard, **device class, or**
30 **vendor-specific requests** that can be used to manipulate a device's state. Descriptors are
also defined that can be used to contain different information on the device.

1 Control transfers provide the transport mechanism to access device descriptors
2 and make requests of a device to manipulate its behavior. Control transfers are carried
3 only through message pipes. Consequently, data flows using control transfers must
4 adhere to USB data structure definitions as described in Section 5.5.1.

5 The USB system will make a "best effort" to support delivery of control
6 transfers between the host and devices. A function and its client software cannot
7 request specific bus access frequency or bandwidth for control transfers. The USB
8 System Software may restrict the bus access and bandwidth that a device may desire
9 for control transfers. These restrictions are defined in Section 5.5.3 and Section 5.5.4.
10 (Emphasis added, see page 38, section "5.5 Control Transfers").

11 The Examiner should thus refer to Chapter 9 of the above-referenced prior art specification,
12 which defines vendor specific descriptors (e.g., see Section 9.5), as well as class, in connection with
13 requests. Applicants' invention pertains to the installation of peripheral devices that are typically
14 coupled to a host device through a USB port. Thus, it will be apparent that one of ordinary skill in
15 the art relating to the present invention should readily understand the meaning of the terms "Class
16 request" and "Vendor Specific Device request" as included in applicants' claims, since these terms
17 are well known in this art and are industry defined terms.

18 The Examiner further notes that Claim 8 recites "the step of reading..." and points out that
19 there is insufficient antecedent basis for this phrase in the claims. Accordingly, Claim 8 has been
20 amended to recite the limitation "the step of obtaining..." so that sufficient antecedent basis exists for
21 the Claim 8 limitation.

22 Claim 20 recites "the step of communicating..." and Examiner indicates that there is
23 insufficient antecedent basis for this recitation in the claims. Claim 20 has thus been amended to
24 recite "the step of enabling communication..." which addresses the antecedent basis issue.

25 The Examiner asserts that Claim 21 recites "further requests [sic] to execute a browser
26 function on the hose [sic] device" and that there is insufficient antecedent basis for this limitation in
27 the claim. It appears that the Examiner has misquoted from Claim 21 and that there is no problem
28 with the claim as originally submitted. If the Examiner still believes that there is a problem with this
29 language, applicants request further explanation from the Examiner as to why the Examiner believes
30 the language used in Claim 21 lacks antecedent basis in the claim structure.

Claims Rejected Under 35 U.S.C. § 102(e)

The Examiner has rejected Claims 1-17, 19-22, 24-38, and 40-43 as being anticipated by Wang et al. (U.S. Patent No. 6,668, 376 hereinafter referred to as "Wang"). The Examiner asserts

1 that Wang describes each element of applicants' claimed invention. Applicants respectfully disagree
2 for the reasons discussed below.

3 In the interest of reducing the complexity of the issues for the Examiner to consider in this
4 response, the following discussion focuses on amended independent Claims 1 and 25. The
5 patentability of each remaining dependent claim is not necessarily separately addressed in detail.
6 However, applicants' decision not to discuss the differences between the cited art and each dependent
7 claim should not be considered as an admission that applicants concur with the Examiner's
8 conclusion that these dependent claims are not patentable over the disclosure in the cited references.
9 Similarly, applicants' decision not to discuss differences between the prior art and every claim
10 element, or every comment made by the Examiner, should not be considered as an admission that
11 applicants concur with the Examiner's interpretation and assertions regarding those claims. Indeed,
12 applicants believe that all of the dependent claims patentably distinguish over the references cited.
13 Moreover, a specific traverse of the rejection of each dependent claim is not required, since
14 dependent claims are patentable for at least the same reasons as the independent claims from which
15 the dependent claims ultimately depend.

16 Claim 1 has been amended and now generally includes a step from canceled Claim 22, to
17 more clearly distinguish over Wang. Regarding Claim 22, the Examiner asserts that because Wang
18 disclosed that the process for accessing the network address was user controlled at the query step,
19 Wang has enabled a user to suppress automatically accessing a network address as claimed by
20 applicants (Office Action, page 5, lines 17-20). However, the citation provided by the Examiner in
21 support of his argument (Wang, column 4, lines 10-15) only refers to the user prompting the
22 computer to make an initial query of the peripheral device to obtain the device identification. Wang
23 does not teach or suggest that the user can control *further* automatically generated requests to execute
24 a browser function to access a remote device at an address. In contrast to Wang, applicants recognize
25 that after required information (e.g., a device driver) has initially been accessed, peripheral device
26 vendors might use subsequent automated requests, so that the user is exposed to advertising on a web
27 page that is displayed at the address, or that other services might be offered to the user at the address,
28 for example, to generate further sales. Accordingly, applicants give the user the option to suppress
29 such additional requests to use a browser to access the address, so that the user need not be exposed
30 to unwanted advertising or offers of products or services (see applicants' specification, page 12,

1 lines 30-36). Thus, applicants' claimed method give the user the option of opting out of such further
2 accesses. Specifically, the software checks to see whether a flag has been set by the user in order to
3 prevent any further attempts to access information at the network address (see applicants'
4 specification, page 12, line 36-page 13, line 1). Accordingly, the rejection of independent Claim 1
5 under 35 U.S.C. § 102(e) over Wang should be withdrawn, since Wang neither teaches nor
6 suggests "enabling a user to suppress *further* requests to execute a browser function on the host
7 device, to access the network address to obtain information not essential for the use of the peripheral
8 device by the host device."

9 Independent Claim 25 has also been amended to distinguish over Wang for reasons similar to
10 those expressed above in connection with Claim 1. Accordingly, the rejection of independent
11 Claims 1 and 25 over Wang under 35 U.S.C. § 102(e) should be withdrawn.

12 Because dependent claims are considered to include all of the elements of the independent
13 claims from which the dependent claims ultimately depend and because the Wang reference does not
14 disclose or suggest all of what is recited in independent Claims 1 and 25, the rejection of dependent
15 Claims 2-17, 19-22, 24, 26-38 and 40-43 under 35 U.S.C. § 102(e) over Wang should be withdrawn
16 for at least the same reasons noted above in the traverse of the rejection of Claims 1 and 25.

17 Claims Rejected under 35 U.S.C. § 103(a)

18 Claims 18 and 39 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Wang in
19 view of Lin et al. (U.S. Patent No. 6,523,083 hereinafter "Lin"). The Examiner asserts that it would
20 have been obvious to one of ordinary skill in the art at the time the invention was made to modify the
21 method disclosed by Wang to include the step of downloading firmware, as disclosed by Lin.
22 However, Claims 18 and 39 depend from independent Claims 1 and 25, which are patentable for the
23 reasons discussed above. Because dependent claims are considered to include all of the elements of
24 the independent claims from which the dependent claims depend, dependent Claims 18 and 39 are
25 patentable for at least the same reasons discussed above with regard to independent Claims 1 and 25.
26 Accordingly, the rejection of dependent Claims 18 and 39 under 35 U.S.C. § 103(a) over Wang in
27 view of Lin should be withdrawn.

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1 In view of the amendments and Remarks set forth above, it will be apparent that the claims in
2 this application define a novel and non-obvious invention, and that the application is in condition for
3 allowance and should be passed to issue without further delay. Should any further questions remain,
4 the Examiner is invited to telephone applicants' attorney at the number listed below.

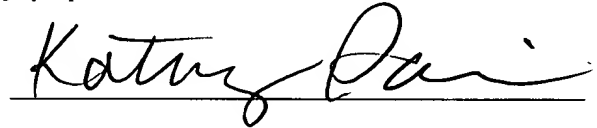
5 Respectfully submitted,

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9 Ronald M. Anderson
10 Registration No. 28,829

11 I hereby certify that this correspondence is being deposited with the U.S. Postal Service in a sealed
12 envelope as first class mail with postage thereon fully prepaid addressed to: Commissioner for Patents,
13 Alexandria, VA 22313-1450, on June 30, 2004.

14 Date: June 30, 2004

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